



# City of Santa Barbara

## Planning Division

### STAFF HEARING OFFICER MINUTES

October 8, 2008

#### **CALL TO ORDER:**

The meeting was called to order at 9:02 a.m. by Susan Reardon, Senior Planner.

#### **STAFF PRESENT:**

Susan Reardon, Senior Planner  
Danny Kato, Senior Planner  
Roxanne Milazzo, Associate Planner  
Suzanne Johnston, Assistant Planner  
Gloria Shafer, Staff Hearing Officer Secretary

#### **I. PRELIMINARY MATTERS:**

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.  
No requests.
- B. Announcements and appeals.  
No announcements.
- C. Comments from members of the public pertaining to items not on this agenda.  
No comments.

#### **II. CONSENT ITEMS: TIME EXTENSIONS**

Only denials of time extension requests are appealable to the Planning Commission; therefore, the approval of the following time extensions are not appealable.

#### **ACTUAL TIME: 9:02 A.M. (ITEMS A & B)**

- A. **APPLICATION OF LAURA BRIDLEY, AGENT FOR ALISON AND LANCE KRONBERG, OWNERS, 924 PHILINDA AVENUE, APN 029-313-002, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, TWELVE UNITS/ ACRE (MST2005-00778)**

The proposal is a request for a two-year extension of the expiration date of the Tentative Subdivision Map approved by the Staff Hearing Officer on December 6, 2006. The project approved by the Staff Hearing Officer consists of the conversion of four existing three-bedroom apartments to four condominiums. An existing carport would be converted into a four-car garage and one new one-car garage would be constructed. A total of five covered spaces and three uncovered spaces would be provided. Several other exterior improvements are proposed, including a new trash enclosure, patio area, retaining wall, and new second-story deck.

The discretionary applications approved for the project by the Staff Hearing Officer were:

1. Tentative Subdivision Map for a one-lot subdivision to create four (4) condominium units (SBMC §27.07); and
2. Condominium Conversion Permit to convert four (4) existing residential units to four (4) condominium units (SBMC §28.88).

**ACTION:**

**Assigned Resolution No. 074-08**

Approved the two-year time extension, to December 6, 2011\*, for the Tentative Subdivision Map, subject to the original conditions of approval included in Exhibit C.

\*On July 15, 2008, the California Governor signed into law amendments to portions of the Subdivision Map Act to grant one-year automatic tentative map extensions under certain circumstances (See, Government Code Section 66452.21). The extension granted by this legislation is separate from the extension granted by this action of the Staff Hearing Officer. Therefore, the aforementioned tentative maps are extensions are for a total of three years.

**B. APPLICATION OF LAURA BRIDLEY, AGENT FOR ROSARIO AND LINDA PERRY, OWNERS, 930 PHILINDA AVENUE, APN 029-313-001, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, TWELVE UNITS/ ACRE (MST2005-00823)**

The proposal is a request for a two-year extension of the expiration date of the Tentative Subdivision Map approved by the Staff Hearing Officer on December 6, 2006. An existing carport would be converted into a four-car garage and one new one-car garage would be constructed. A total of five covered spaces and three uncovered spaces would be provided. Several other exterior improvements are proposed, including a new trash enclosure, patio area, retaining wall, and new second-story deck.

The discretionary applications approved for the project by the Staff Hearing Officer were:

1. Modification to allow a fountain to be located within the rear yard setback (SBMC §28.21.060 and 28.92.110);
2. Tentative Subdivision Map for a one-lot subdivision to create four (4) condominium units (SBMC §27.07); and
3. Condominium Conversion Permit to convert four (4) existing residential units to four (4) condominium units (SBMC §28.88).

**ACTION:**

**Assigned Resolution No. 075-08**

Approved the two-year time extension, to December 6, 2011\*, for the Tentative Subdivision Map, subject to the original conditions of approval included in Exhibit C.

\*On July 15, 2008, the California Governor signed into law amendments to portions of the Subdivision Map Act to grant one-year automatic tentative map extensions under certain circumstances (See, Government Code Section 66452.21). The extension granted by this legislation is separate from the extension granted by this action of the Staff Hearing Officer. Therefore, the aforementioned tentative maps are extensions are for a total of three years.

### III. PROJECTS:

#### ACTUAL TIME: 9:03 A.M.

A. APPLICATION OF RICHARD D. STARNES, ARCHITECT FOR WERNER REVOCABLE INTER VIVOS TRUST, 402 ORILLA DEL MAR (VILLA ELEGANTE), APN 017-313-019, HRC-1/SD-3 HOTEL AND RELATED COMMERCE/COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE/HOTEL AND RESIDENTIAL USE (MST2007-00629/CDP2008-00014)

The proposed project involves a 1,324 square foot second story addition, which will connect two existing buildings, creating a carport, that was previously an uncovered parking space. The project includes the conversion of existing resort Unit "B" into a manager's unit (not for use as sleeping quarters), a laundry room and guest common area, and creates a new Unit "B" on the second floor. The project site is currently developed with six (6) Residential Resort Hotel Units with parking provided by nine (9) covered and three (3) uncovered parking spaces. There is no proposed change to the number of hotel units or parking spaces.

The discretionary applications required for this project are:

1. A Modification to allow portions of the two-story building to encroach into the required twenty-foot (20') front yard setback along Calle Puerto Vallarta. (SBMC§28.22.060 and §28.92.110)
2. Development Plan Approval to allow the addition of 1,324 square feet to be allocated from Measure E square footage from the Small addition category. (SBMC§28.87.300)
3. A Coastal Development Permit to allow new development in the Non-Appealable Appealable <sup>(1/21/09)</sup> Jurisdiction of the Coastal Zone. (SBMC§28.44.060)

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301.

Present: Richard Starnes, Architect, Time Warner, Property Owner.

Suzanne Johnston, Assistant Planner gave the Staff presentation and recommendation. She corrected statements in the written staff report. Ms. Johnston indicated that that the existing project is legal non-conforming to the density and parking requirement of the Municipal Code. Currently only three hotel units with kitchens would be allowed as variable density doesn't apply in

the HRC-1 Zone, and 14 parking spaces, 6 covered, 6 uncovered and 2 guest would be required. She explained that guest parking is not provided as everyone is a guest, and the manager's office, laundry, and common area do not trigger additional parking.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

The Public Hearing was opened at 9:11 a.m. As no one wished to speak public, comment was closed.

Ms. Reardon questioned how the kitchen in the common area is envisioned for use, the number of guest parking spaces being provided, and whether Transportation Department staff have reviewed the proposed setback for the garage door. Ms. Reardon also verified that the second-story portion of the addition is setback 20 feet from Calle Puerto Vallarta.

Mr. Warner responded that the planned use is wine and cheese functions for guests. Mr. Starnes indicated that Transportation staff has approved the proposed location setback for the garage door.

**ACTION:** **Assigned Resolution No. 076-08**  
Approved the project, making the findings outlined in Section VII of this report as revised at the hearing, and subject to the revised conditions of approval in Exhibit A.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

**ACTUAL TIME: 9:18 A.M.**

**B. APPLICATION OF JOHN LUCA FOR 1823 GRAND AVENUE, APN 027-061-004, R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 12 UNITS PER ACRE (MST2008-00418)**

The 10,000 square foot project site is currently developed with a duplex. During a recent remodel, a laundry room was converted to a bedroom. To meet building code requirements the ceiling height was raised by one foot. The discretionary application required for this project is a Modification to permit the "as-built" alteration to a portion of a building located within the required fifteen-foot (15') front yard setback (SBMC §28.18.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301.

Present: Christopher Price, Agent; John Luca, Owner.

Roxanne Milazzo, Associate Planner, gave the Staff presentation and recommendation.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

The Public Hearing was opened at 9:22 a.m. As no one wished to speak, public comment was closed.

**ACTION:** **Assigned Resolution No. 077-08**

Approved the project making the finding that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The increase in height is minimal, will provide an additional bedroom for the residence within the existing footprint, and will not impact surrounding properties.

Said approval is subject to a condition that a Zoning Compliance Declaration be recorded against the property's title.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

**ACTUAL TIME: 9:24 A.M.**

**C. APPLICATION OF MOHAMED MOHARRAM FOR 281 SCHULTE LANE, APN 055-230-002, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 1 UNIT PER ACRE (MST2008-00264)**

The 1.83 acre project site is currently vacant. The proposed project involves a 3,851 square foot, 2-story single family residence with attached 3-car garage. The discretionary application required for this project is a Modification to permit a portion of the proposed residence and garage and two uncovered parking spaces within the required thirty-five foot (35') front setback (SBMC §28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303.

Present: Mohamed Moharram, Owner.

Roxanne Milazzo, Associate Planner, gave the Staff presentation and recommendation.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

The Public Hearing was opened at 9:30 a.m. As no one wished to speak, public comment was closed.

Ms. Reardon stated that although the lot is close to two acres it has significant site constraints. Given the constraints, findings to allow new habitable space within the front setback can be supported with conditions for screening the uncovered parking from the street, and permeable paving used as appropriate.

**ACTION:**

**Assigned Resolution No. 078-08**

Approved the project finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed encroachment is appropriate due to the constraints dictated by the configuration of the lot and its narrow width, and the proximity of Arroyo Burro Creek and the need to provide an appropriate buffer from the creek.

Said approval is subject to the following conditions:

1. The uncovered parking area be screened from Schulte Lane with low water use plants and/or a solid screen wall or fence, the height of which shall be consistent with SBMC Section 28.87.170.
2. Incorporate a permeable paving system for the project driveway and parking area that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Public Works Director/Transportation Manager.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

**ACTUAL TIME: 9:34 A.M.**

**D. APPLICATION OF JOHN & GLORIA BUCZEK, 1560 LA VISTA DEL OCEANO DRIVE, APN 035-170-013, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2008-00335)**

The 14,875 square foot project site is currently developed with a single family residence and garage. The proposed project involves the construction of a retaining wall and guard rail at the rear of the property. The discretionary application required for this project is a Modification to permit the combined height of the wall and guardrail to exceed the maximum allowable height of eight-feet at the Southeast corner of the property (SBMC §28.87.170).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303.

Present: John Buczek, Owner.

Roxanne Milazzo, Associate Planner, gave the Staff presentation and recommendation.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood. Ms. Reardon stated that the project provides an appropriate improvement on the lot as it provides safety and security for the home.

The Public Hearing was opened at 9:37 a.m. As no one wished to speak, public comment was closed.

**ACTION:**

**Assigned Resolution No. 079-08**

Approved the project making the finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed wall height Modification will provide both stabilization for the failing slope and a safety barrier between the grade differences. Length of the overheight portion of the wall from the southeast corner is 12 feet in both directions, with an overall maximum height of 12 feet at each corner.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

**III. ADJOURNMENT**

The meeting was adjourned at 9:42 a.m.

Submitted by,

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Gloria Shafer, Staff Hearing Officer Secretary

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Date